In the High Court of Judicature at Madras

Dated: 02.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal No.2493 of 2003
and WAMP.No.3806 of 2003

M/s. A.S. Nisar Ahmed & Company Ltd.,
Thuthipet
Ambur 635 802
rep. By its Chairman A.S. Nisar Ahmed. ..Appellant

..vs..

Recovery Officer
Employees Provident Fund Organisation
31 Filterbed Road
Vellore 632 001. ..Respondent

Writ Appeal is filed under Clause 15 of the Letters patent against the order of this Court dated 03.07.2003 made in W.P.M.P.No.11057 of 2003 in W.P.No.8626 of 2003.
W.P.M.P.No.11057 of 2003 in W.P.No.8626 of 2003:Petition presented to this Court to grant an order of Interim stay of the operation of the notice of demand No.TN/Recy/16699/409 dated 24.2.2003 issued by the respondent pending disposal of W.P.No.8626/03 presented to this Court under article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the notice of demand No.T.N/Recy/16699/409 dated 24.2.2003 passed by the respondent and to quash the same as being illegal arbitrary and unconstitutional.

For appellant : Mr. S. Vijayakumar

For Respondent : Mr. V. Vibhishnan

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

It is not in dispute that in view of the decision of Full Bench in the case of Gowri Spinning Mills Ltd., represented by its Managing Director, Thokkampatti, Dharmapuri vs. Assistant Provident Fund Commissioner, Sub-Regional Office, Salem and another reported in 2006 (5) CTC 1, the present writ appeal is liable to be dismissed on the same terms; accordingly, dismissed. No costs. Consequently, connected WAMP., is also dismissed.

2. Taking note of the arrears amount payable by the appellant towards contribution and considering the grievance expressed, we grant six months time from today for payment of the said amount.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

Recovery Officer
Employees Provident Fund Organisation
31 Filterbed Road
Vellore 632 001.

1 cc to M/s. S. Vijayakumar, Sr. 12751
1 cc t M/s. V. Vibhishanan, Sr, 12774

Writ Appeal No.2493/03

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